United Nations A/58/774

General Assembly

Distr.: General
20 April 2004

Original: English

Fifty-eighth session
Agenda item 60
Follow-up to the outcome of the Millennium Summit

Letter dated 15 April 2004 from the Permanent Representatives of Australia, Mexico, the Netherlands, Singapore and South Africa to the United Nations addressed to the President of the General Assembly

A group of five Permanent Representatives to the United Nations — those of Australia, Mexico, Singapore, South Africa and the Netherlands — in connection with the International Peace Academy, organized two seminars on 12-13 and 26-27 March 2004 on the work of the High-Level Panel on Global Threats, Challenges and Change.

The seminars brought together a group of Permanent Representatives who reflect a balance in geographical position, cultural background and the relative importance that the represented countries may attach to the different threats. Each seminar also benefited from the attendance of a member of the Panel, respectively, General Satish Nambiar and Sir David Hannay.

We are very pleased to present you with the report of the seminars (see annex). We would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 60.

It is our feeling that the report genuinely reflects the diverse opinions within the community of Permanent Representatives. As such, the report clearly does not represent in any way an agreed outcome, but hopefully constitutes a source of useful and creative insights for the Panel. The report also hints at possible avenues that can be explored to find common ground in the analysis of threats and a common vision to collectively address them.

(*Signed*) John **Dauth**
Permanent Representative of Australia

(*Signed*) Enrique **Berruga**
Permanent Representative of Mexico

04-31672 (E) 180504

(*Signed*) Dirk Jan **van den Berg**
Permanent Representative of the Netherlands

(*Signed*) Kishore **Mahbubani**
Permanent Representative of Singapore

(*Signed*) Dumisani **Kumalo**
Permanent Representative of South Africa

Annex to the letter dated 15 April 2004 from the Permanent Representatives of Australia, Mexico, the Netherlands, Singapore and South Africa to the United Nations addressed to the President of the General Assembly

A FORK IN THE ROAD?

CONVERSATIONS ON THE WORK OF THE HIGH LEVEL PANEL ON THREATS, CHALLENGES AND CHANGE

Report of the March 12-13 and 26-27 ambassadorial discussion meetings
at the Greentree Foundation Estate, convened by
the Permanent Missions to the United Nations of
Australia, Mexico, the Netherlands, Singapore and South Africa,
through the International Peace Academy.

With the generous support of the Governments of
the Netherlands and Australia

Rapporteurs: Convenors and the International Peace Academy

There is strong support for the decision of the Secretary General to put the effectiveness and relevance of collective security on the world's agenda. This paper presents a wide set of reflections on the work of the Panel. There is a genuine and broad awareness that collective response to global challenges is in dire need of repair and upgrade: in concepts, in procedures, in institutions and in commitment. In various and sometimes also contradicting ways participants have identified where the problems are. Proposals for possible solutions have been made as well.

The deliberations clearly express the urgency of the task of the Panel. Successful conclusion of that task will have to meet two goals. (i) The recommendations of the Panel will have to address the concerns of all. (ii) Going beyond analysis, the Panel will have to put forward bold proposals to set a compelling agenda to shape collective responses to meet the world's challenges.

1 Introduction

In his speech to the General Assembly on September 23, 2003, UN Secretary-General Kofi Annan announced the formation of a blue ribbon panel of eminent persons to review the ability of collective security arrangements in general, and the UN in particular, to respond to contemporary threats and challenges. The work of this panel - the High Level Panel on Threats, Challenges and Change - can be understood as a response to three significant agenda-setting concerns.[1]

[1] On the composition of the Panel and its terms of reference, see UN Press Release SG/A/857, available at http://www.un.org/News/Press/docs/2003/sga857.doc.htm.

The first is the concurrent increase in the salience of non-traditional threats—including terrorism and organized crime, the proliferation of weapons of mass destruction and state failure—combined with the opportunities globalization creates to merge these threats. Their combination produces a risk much more acute then the mere sum of individual components. The second is the insufficient or at least uneven progress in poverty reduction. The objectives set out by the Millennium Declaration are still far from achieved. A lack of progress in development provides an enabling environment for threats to prosper. The third is the increasing impotence of existing collective security arrangements, and in particular the institutions of the UN, to serve as effective and legitimate instruments to reduce threats amidst contemporary global political realities.

Thus, in forming the Panel, the Secretary-General has "blown the whistle" and called for a moment of introspection and examination. While the Panel has been tasked to take the lead in this process, it is clear that any progress along the lines specified in the Panel's terms of reference will also necessitate the active engagement of the world's capitals and publics, as well as of the UN community. Recognizing this necessity, the Permanent Missions of Australia, Mexico, the Netherlands, Singapore and South Africa to the UN, through the International Peace Academy, convened two discussion meetings. The meetings involved the Permanent Representatives from a diverse set of countries to deliberate on substantive priorities and potential implementation strategies for the work of the Panel. This report provides a synthesis of those discussions. In keeping with the sequence of the discussions themselves, the first two sections are more analytical and deal with core concepts and principles, whereas the latter two sections deal with more concrete reforms and strategies.

2 Global Threats and Challenges: Reaching a Common Vision

2.1 Which threats and challenges?

The Panel has decided to address a wide array of security issues, including interstate rivalry and the use of force; intra-state violence; weapons of mass destruction; terrorism and organized crime; and poverty, disease and environmental degradation. This broad scope is appropriate and necessary to ensure that the entire UN membership has a stake and interest in the Panel's work. But it also presents a challenge for finding a common vision to guide a collective response.

The discussions revealed four different optics in the analysis of threats, their causes and effects.

A. The evidently massive asymmetry in the political, military and economic areas in favor of the industrialized world tilts the world's agenda towards their interests. In other parts of the world, this feeds a sense of injustice and exclusion. Politically, this notion becomes manifest in the expression of public opinions. For example, in the (Arab) Muslim world, an absence of progress in the Middle East Peace Process and events in Iraq provides a sign for some of a broader "clash of civilizations". Accordingly, terrorism is an asymmetric response to an asymmetric distribution of power in the world, instead of being the consequence of poverty as such. In terms of economics, similar imbalances were cited with respect to trade policy. Many countries are still deprived of the opportunities world trade could offer them due to unfair lack of market access into the industrialized world and trade-distorting (particularly agricultural) subsidies. Thus, poverty may be better understood as an

"effect" instead of a "cause". According to these views, the UN is judged on its capability to better balance the world's agenda.

B. A common vision to serve a balanced global agenda can be developed once the interconnectedness between threats become clear. By identifying state collapse, poverty, disease, environmental degradation and political repression as root causes of further reaching threats, the security concerns of the developing world are linked to those of the developed world. For example, failed states may serve as "breeding grounds" for terrorism; political repression may lead to resentment and rage that are channeled into terrorism or inter-state rivalries; and intra-state violence and environmental degradation may produce refugee flows that contribute to region-wide conflicts. Operating in the other direction, ripple effects from destabilizing events and conflicts in the developed world may inflict harm on the people's lives in the developing world.

C. The search for the ultimate answer on what are causes and what are effects will not produce a common vision soon. Moreover, this quest presumes that an effective approach towards threats can only be found in removing its causes. This is not entirely true for all threats. Discussions on the causes of terrorism obscure the fact that terrorism is simply unacceptable. Therefore a common vision should consist of the common responsibility of states to act (inter)nationally against terrorist organizations and their agents. Similar arguments can be developed to counter international organized crime. A clear plan of action to act against terrorism and international crime now would send a clear message on the relevance of the multilateral system to publics around the world.

D. The absence of an effective collective/multilateral security system constitutes in itself a major threat. This goes beyond the shortcomings of the institutions of the UN. States, as the constituent parts of the international system, fall short in their management of this system. Policy responses to inherently global issues are formulated from a national perspective. Cross-border problems receive answers that often emphasize borders, resulting in suboptimal solutions, if any solutions at all. The multilateral system needs a renewed commitment by states to play by rules and to work together to counter global challenges. A stronger financial base for the multilateral system would be a concrete expression of this commitment.

2.2 Threat perceptions

Discussions further suggested that the task of finding a common vision to address contemporary threats is complicated not only by the diversity of the threats discussed above, but also by the diversity of *threat perceptions* in the world. This diversity in threat perception correlates with a number of factors, including region, culture, level of economic development and relative power. The nexus of weapons of mass destruction and international terrorism may serve as the most salient existential threat for societies in some advanced industrial states, but disease and famine may be more salient for some in the developing world. To deal with different threat perceptions the following remarks were made.

- Holistic approach. The need for a holistic approach was stressed. All players should recognize that their concerns are addressed. The analysis of the Panel should bridge the security agenda and the development agenda. This way the Panel would avoid the risk of having large parts of the world feeling left out. A holistic approach is also essential for a balanced analysis to shape responses to the threats posed.

- Focus on interconnectedness. A holistic approach does not imply re-examination of every item of the (development) agenda. The Panel could profit from the extensive work that has been done at the major conferences in the past decade. However, analysis could add clear value-added by focusing on the linkages between security and development and the interconnectedness of threats. This would serve to increase understanding that a distinction between "northern" and "southern" threats is an illusion. Nations are much more in the "same boat" then conventional political dialogue often suggests.

- Identifying opportunities for joint gains. Such joint gains should be identified and seized upon, because they help, again, to link development and security priorities. Such an approach is already evident in the World Health Organization's efforts to promote the operationalization of its initiative on "Preparedness for Deliberate Epidemics."[2] At the same time, the limitation of an approach that focuses solely on joint gains is that it can only involve actors whose willingness to cooperate is quite forthcoming, and it may limit the scope of responses to those which satisfy lowest-common-denominator interests.

- Hierarchy, priority and timing. An attempt to differentiate between threats in terms of a hierarchy of importance will fail, because it will clash with the difference in threat perceptions in the world. This does not rule out the necessity to prioritize in terms of timeframes. As long as the holistic agenda remains clearly addressed, a "time-boxing" approach for what should/could be done first seems feasible. Such an approach would be extremely helpful for nations to build upon the recommendations of the Panel. It also contributes to the level of concreteness of the Panel's report .

- "Reflectionables" and actionables. The Panel is strongly encouraged not to stop short of concrete proposals for actions ready for implementation. It is understood that the Panel will produce a policy report; however, it is expected that the report will kick start discussions, particular in the institutional area. In the eyes of many, it could serve as a crowbar to generate momentum for currently stuck debates on major reform issues. It would also be welcomed if the panel could produce concrete suggestions and actions in areas where broad agreement can be expected, as in the area of international crime.

- Resources. The Panel should assess, at least in general terms, the state of funding for the multilateral system. Without adequate funding, an important condition for its effective functioning is simply not met. This regards obviously the levels of funding in the first place. In this regard, work toward fulfilling the MDG's, including adequate funding, would contribute greatly to alleviate the needs of a large part of the world population. But attention could also be paid to the distributional structure of funding capabilities and responsibilities. Such attention should be given to the UN system, as well as to International Financial Institutions

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2 World Health Organization, *Public Health Response to Biological and Chemical Weapons, 2nd Ed.* (Geneva: WHO, May 2003).

and regional organizations. Another element concerns the lack of funding from the international community for "forgotten crises".

- Building blocks. At the same time, functional UN bodies, such as UNDP, serve a larger role than simply being conduits for funding. They also contribute to the wider multilateral system in a more fundamental way as building blocks of the international architecture, influencing policies and thinking. Sufficient funding of those organizations is therefore vital in a way that goes even beyond the important operations that these bodies undertake. It also serves directly to maintain the international architecture.

- Variety of instruments. It was stressed that the Panel should focus on the entire spectrum of possible policy responses to threats. Maintaining peace and stability is served by instruments ranging from pre-conflict action, peacekeeping and post–conflict peacebuilding to capacity building and development cooperation. They all should have their due place in the Panel's report.

- Dialogue. International policy dialogue seems to be entrenched in a perspective dominated by North-South differences. This gives very little flexibility to achieve progress and to react in a more solution-oriented manner to meet our common challenges. It is strongly hoped that the Panel can shed new light on where common interests lie in order to move beyond "traditional" patterns of analysis and policy exchange. Hopefully it can provide us with a sufficiently new approach to inspire international dialogue transcending old divides. As part of this effort, attention should be given to how political messages resonate differently as they are transmitted by new technologies and modern media to different parts of the globe.

- Conventional versus original. Concerns have been expressed about whether the Panel would really be prepared to depart from conventional analysis that produces conventional results. The Panel should be probing and daring in their questions, for example in the area of WMD. The Panel should also consider whether threats can be regrouped in a more balanced and original manner in order to increase the appeal to all corners of the world (see also joint gains). For example, capacity building in the field of justice and home affairs can bring double benefits in development as well as in the fight against international crime.

3 The international order, sovereignty of states and intervention

3.1 States in international cooperation: how absolute is state sovereignty?

Since the Panel is invited to express its views on the adequacy of the multilateral system to deal with threats, discussions focused on the fundamental issues of international order and state sovereignty. Three developments have challenged the notion of absolute state sovereignty. First of all, the 1990's showed an increase in the will to address the humanitarian plight of people within states. Second, more recently, there is heightened concern that some regimes are seeking to obtain weapons of mass destruction (WMD) through channels beyond the reach of the multilateral legal framework. Finally, non-state actors operating from different corners in the world increasingly play a role in undermining global security through terrorist acts and other criminal activities. As a response, proposals have been forwarded suggesting that unconditional respect for a state's sovereignty under such conditions is insupportable.

The following observations were made.

- The perception of sovereignty differs according to history and cultural background. In countries with a history as former colonies (Africa and Asia), sovereignty serves as a political symbol of unity and regained freedom, not to be lost ever again. In other parts of the world sovereignty is more easily pooled with other countries to achieve advantages of scale (Europe).

- Sovereignty has changed over time and has become less absolute. An assessment of sovereignty along the four composing axes - political, economic, humanitarian and "civilizational" - indicates change away from absolute sovereignty on at least three of the four axes. Political and humanitarian sovereignty are increasingly molded by international norms of democracy and obligations under human rights treaties. In economics sovereignty has eroded considerably due to globalization. In the area of society and civilization sovereignty doesn't seem to have shifted much.

- Where challenges are increasingly perceived as cross border and global the sovereign state - by definition limited by its borders - must seek recourse to the international system for effective solutions. The sovereign state will not dissipate in this process, but will forgo some sovereignty in order to achieve the desired outcome. Accordingly, the level of absolutism in sovereignty constrains the level of effective international cooperation. From the perspective of the multilateral system, in order for collective security to be more effective, it needs to be more intrusive.

- New players, like NGO's and multinational corporations, have emerged affecting state sovereignty. They have become important actors in international cooperation and their work can serve as an input as well as a carrier for collective action (Global Compact). The report of the Panel chaired by Mr. Cardoso is expected to provide an important impulse for this debate.

3.2 Humanitarian intervention

- Agreement exists on the value of concepts like human security and such agreed-upon concepts should have agreed-upon implications—i.e. that the international community should not sit idly when faced with humanitarian crises (collective security with a human face). However, efforts to formalize doctrine can engender divisions that erode a foundation of existing agreement on concepts, implications and interpretations. The fear of abuse and selective implementation (lack of integrity of motive) has contributed to the North-South deadlock over the development of formal doctrine on the basis of the *Agenda for Peace* and the *Responsibility to Protect*. Some add to this fear a concern that a doctrine would by nature be too rigid to be applied in diverse situations.

- Despite these concerns, it was felt by many that a set of guiding principles could at least be useful as informal benchmarks to increase the legitimacy of interventions. In this view, it is also conceivable that these benchmarks would gradually evolve and constitute more formal guidelines over time.

- At this stage, however, a case by case approach seems to be the most productive. This does not rule out a pragmatic, more systemic UN-based approach, supported by regional organizations and enhanced by an improved system of early warning and action. Such an approach could prove to be particularly useful to deploy the full range of intervention capabilities to avert or alleviate human tragedy. Accordingly, the coherence of the relationship between the organs of the UN system and regional organizations could be improved. Such an approach could advance the early warning capacity of the UN system. Prevention can be a (cost) effective way to deal with imminent humanitarian crises. Organizations like the UNDP seem to be very well placed to fit in such a systemic approach.

- Special attention should be given to "failed states". An attempt should be made to assess what level of "failure" is a cause for concern. Obviously it will be difficult to determine where the lines should be drawn. However without any attempt to develop an assessment, states could continue to slide into failure without any international reaction. A value judgment from outside must be the result of a collective assessment within the regional or UN context.

- Ad hoc legitimization for actions taken outside the frame of the Charter can sometimes emerge on the basis of results, as was the case of the India's intervention in East Pakistan/Bangladesh 1971, the Tanzania's intervention in Uganda in 1979and the NATO's intervention in Kosovo in 1999.

3.3 Anticipatory action in the context of collective security

Both the UN Security Council's deadlock over the issue of dealing with Iraq's perceived violation of Security Council resolutions on disarmament and the United States' decision to act despite this deadlock has spurred a debate on the adequacy of the UN to deal with anticipatory action in the framework of collective security.

- The provisions in the Charter concerning the legitimate use of force for self-defense and on the basis of Security Council decisions remain a valid basis for discussions on anticipatory action. Such discussions will benefit from a clear definitional difference between preemption and prevention.

- Pre-emption carries the notion of imminence and therefore anticipatory action can (and should) be based on convincing evidence visible for all. It may be illogical to set deliberation in the Security Council as a prerequisite for legitimate pre-emptive action. Pre-emption is fundamentally associated with a threat's imminence, which may preclude the luxury of deliberation. In some cases, deliberation could only reasonably be expected post hoc, and here the Article 51 requirement that member state report uses of force in the exercise of self-defense to the Security Council should be invoked. Of course, the sense of directness expressed in art. 51 ("an attack occurs") requires further consideration.

- Prevention is not associated with imminent threats. It is rather associated with longer term strategic considerations of situations that may develop into imminent threats. The terms of the UN Charter provide a clear basis for diplomatic steps to be taken to prevent a threat from reaching imminence. A key element of the adequacy of the collective security system is its ability to prevent such imminence. More careful thought should be given to the issue of Chapter VII being invoked for multilateral preventive uses of force.

- The overriding issue is, however, to make the UN system sufficiently responsive to cater to the security needs for all states. Only then can collective action take precedence over unilateral action as the preferred option for every state. This implies that the relevant provisions of the Charter should not only be interpreted to deal with pre-emptive and preventive action effectively, but also to allow for swifter decision making for collective action.

- Justification of anticipatory action was a central issue in the debate. Fear has been expressed that the underlying power structures in the world would press the UN to serve the domestic agendas of the powerful. A need was expressed for clear criteria on the basis of which such decisions could be taken (e.g. for cases of gross human rights violations and aggressive intent backed by credible military capabilities).

- Anticipatory actions are often associated with so-called rogue states and failed states. Work should be done to further clarify these notions and to propose criteria or benchmarks to make the correct assessments. There are obviously "shades of grey" in such approaches, in that respect mention was made of "inactive states" to describe situations where states are not so much "failing" or "rogue" but simply (willingly) abstaining from adequate action to counter threats.

- Diligence of process in decisions leading to anticipatory action was called for. In this respect, the importance of early, accurate and impartial intelligence, preferably on the basis of several and independent sources, was quoted. Here a link was made to a permanent UN monitoring capability on WMD. Actions should also be proportional to the size of the threat; further thinking needs to be done on criteria for proportionality. A credible exit strategy should be part of the decision process. This will have to define the objectives of the action, since a decision to get in has to be accompanied by a decision on when to get out. Post action measures are integral part of a credible exit strategy as well.

- Because of recent events in Iraq, anticipatory action is often uniquely associated with military action; this should not necessarily be the case. There is a whole range of international action that could be applied to pursue objectives to anticipate unwanted situations. These options should be included in the discussion on anticipatory action. The conventional approach is that action with military means comes always at the end of the scale of options.

4 Four Pillars of a Security Architecture for the Future

Efficiency, effectiveness and ethics are certainly primary concerns for any institutional reform process. But in devising forward-looking institutional responses to the diversity of contemporary threats, three more incisive principles should also be kept in mind: representation, relevance and accountability. The question needs to be asked, what kinds of reforms and innovations can serve to make the UN and other collective security institutions relevant to people's fears? In addition, what institutional measures can be taken to hold states to their commitments?

On the basis of these principles, four key institutional issues came to the forefront during the discussions: the legitimacy and appropriate competences of the Security Council; efforts to reach consensus to police against threats; the enhancement of capacities for sustained

peacebuilding and state building; and the enhancement of the role of regional organizations in relation to the UN.

Notes of caution were expressed on amending the Charter. The Charter offers a lot of room to house new approaches and working methods. This should be explored to the fullest extent before proposing amendments to the Charter. It could be envisaged to modify the Charter to accommodate "technical" political conclusions, like on the composition of the Security Council. To open up the Charter for a debate on the future of collective security might leave the international community with a much less clear and crisp text than the current one.

4.1 Enhancing the role of the Security Council

The formation of the Panel was precipitated by a particular failure of the Security Council: the failure to serve as an adequate forum for ensuring that responses to security threats are dealt with according to the terms of the UN Charter. As such, it is hard to imagine how the Panel's work can completely avoid the issues of Security Council legitimacy as well as its scope of appropriate competence.

- Although one can be critical at the Security Council and question its credibility, it is obviously the only major organ in the UN system capable of taking decisions with direct impact on the ground. Assessment of individual cases dealt with by the Security Council gives a varied picture of its effectiveness. However the track record of the last decade shows promise for its relevance. Therefore it is in all our interests to invest in the Security Council to redress its shortcomings and increase its effectiveness.

- Representation is seen as the key factor determining the legitimacy of the Security Council. The opinion was expressed that there is now momentum to tackle this matter, although it was generally acknowledged to be a highly sensitive issue. It was felt that the present composition of the Council does not reflect today's realities. In the view of most participants the composition of the Council should be adapted accordingly through expansion of the membership of the Council. However, views on the size of enlargement, criteria for additional seats, allocation of seats to countries or regions, and the possibility of rotating seats continue to differ. Many favour expansion in the category of non-permanent members, some also favour expanding the category of permanent members. Some are of the opinion that members of the Council implicitly represent regions of member states, others do not accept that notion.

- In the discussions, the notion was introduced that membership of the Council should be subject to review every 20-25 years in order to keep the composition of the Council up to date. A complicating factor is the veto. In the case of new permanent members will they have the right to veto or will the veto be abandoned? Although there is a preference among member states to abandon the veto entirely, reality dictates that this will not be a promising avenue to explore. At best a political agreement on the (non) use of the veto could be achieved.

- The stakes are high and a debate on Security Council reform could have the unfortunate consequence of sidelining all of the other issues addressed by the Panel. Therefore the Panel could consider suggesting steps that are more feasible in the short term. One

possibility would be for the Security Council to establish committees that would review compliance and implementation of resolutions, along the lines of the Counter-Terrorism Committee (CTC); as a difference from the CTC, however, non-members of the Security Council could be invited to participate. Another proposal could be the creation of ad hoc composite committees of the Security Council, Ecosoc and/or General Assembly to deal more specifically with post conflict situations—an area that often tests the attention span of the Council and on which its track record is not particularly strong. Such an approach would underline the collective responsibility in the area of peacebuilding.

- Proposals could also include the improvement of mechanisms of accountability of the Security Council. The annual report of the Council is not perceived as a sufficient instrument of accountability. The content of the report should be more analytical to serve the purpose of accountability. It has to be recognized though that in terms of transparency (also a measure of accountability) the Council has improved its working methods.

- In fact one could argue that the Security Council has done its share of improving the transparency of its deliberations, but the General Assembly has insufficiently made use of the offered opportunities. Participants all agreed that the GA is cluttered with an overloaded agenda and lacks flexibility to respond in a value-adding manner. In this respect, the thematic debates that have been taken up in the Security Council were often cited as examples where the GA has dropped the ball. Part of the package could therefore be to restore the role of the GA in such thematic debates.

- As for scope of appropriate competence, the crucial question concerns the Security Council's role as a legislative body. With the passage of Resolution 1373, the Security Council took an unprecedented step in bringing into force international law, applicable to all states, on the issue of terrorist financing. This step may be repeated in the passage of a resolution that seeks to deny non-state actors access to weapons of mass destruction and their delivery systems. If two such acts represent the emergence of a pattern, it is worthwhile to consider the conditions under which such actions are acceptable legally and, perhaps more importantly, politically. With respect to these measures, general agreement seems to exist on the principle that such actions by the Security Council, taken under the competences granted in Article 25, may be acceptable as stop-gap measures. But resentment is the likely consequence if they are not followed up by normal procedures of negotiating conventions or treaties. This danger is, of course, exacerbated by the Security Council's representation problem.

4.2 Reaching consensus to police against threats

The model of policing against crime is a principle underpinning all societies, and is based on identifying unacceptable behaviors and reaching consensual commitments to combat them. In relation to current security concerns and collective responses to deal with them, this model is being enacted in current counter-terrorism and non-proliferation efforts. Security Council Resolution 1373 on terrorism financing represents a clear step already taken in this direction.

- Calls for the "criminalization" of the proliferation of nuclear weapons, whether in addressing state programs or the provision of nuclear weapons technologies to non-state actors, are potential future steps. Such calls for consensual policing are not entirely new. Security

Council Resolution 286 (1970), which called on states to police against airplane hijacking, was conceived on the basis of this very model. In addition to UN-centered arrangements, like the Counter-terrorism Committee, existing efforts illustrate how conventions and coalition activities may be combined in a policing model. For example, the US-initiated Proliferation Security Initiative intends to strengthen efforts to control the diffusion of sensitive materials through cooperative interdiction. Such an effort could be strengthened by having it connected to a multilateral framework, as would be possible with the passage of a non-proliferation Resolution and a treaty on sensitive materials.

- Such a policing model provides a concrete basis for action, but also raises a number of concerns. First, not all threats can be adequately addressed in terms of criminalized behaviors. In some cases, such a response is simply inappropriate—as in responding to state failure. Second, such an approach relies on definitions that are not always agreed-upon. This has been evidenced in the fact that UN is yet to settle on an operational definition of terrorism. This brings us to the final and most crucial point. Who will be empowered to define such "criminal" behavior and responses to such behavior? This question raises the issue of law creation and, as discussed above, the issue of the scope and appropriateness of the Security Council's competence as a legislative body in relation to treaty development.

4.3 Strengthening sustained peacebuilding capacity

Recent events in Haiti have provided a paradigmatic example of the failure of the current system to sustain a commitment to peacebuilding. To a certain degree, this failure was an institutional one. As such, proposals were discussed to enhance the UN's sustained peacebuilding capacity.

- The Economic and Social Council has been proposed by some as the appropriate body to take on such a role. But this raises question about whether the Ecosoc can be revived as an operational body. One line of argument suggested that once an organization has been thoroughly discredited, there is no hope to revive it. Other proposals point to the Trusteeship Council. But, again, one wonders if the effort to revive this body would be worthwhile. For one thing, it may send an inappropriate political message. In addition, the amount of reform that would be required suggests that the establishment of a new body may be more sensible. In the meanwhile, the above mentioned composite committees could play an important role to fill the gap, to ensure that there is a broader base of ownership then only the members of the Security Council.

- By default, the Security Council has been left to address pre- and post-conflict situations. Such an outcome is the result of the lack of an operational peacebuilding body. In addition, other organs of the UN, such as the General Assembly and the Ecosoc, have not lived up to expectations in this area. This situation excessively burdens the Security Council with concerns beyond international peace and security narrowly defined. Mandates of peacekeeping operations have also been broadened considerably as a result.

- Aside from institutional innovation within the UN, a sustained peacebuilding capacity requires effective coordination between the UN and the international financial institutions. Past peace operations have suffered as a result of poor coordination between the different institutions. The inter-agency working group model established under the Copenhagen Declaration may be a useful model in this regard. Specifically the major donor countries can

make an important contribution to better coordination, provided that their own approach and input into the organizations is fully coherent.

- Early warning and preventive action should be much better addressed. Political attention should be focused on the opportunities and the considerable cost efficiencies preventive action can bring. Timely humanitarian assistance, diplomatic actions and assistance in capacity building can save lives. The track record of the Security Council is not particularly strong in this area. An important role can be played by regional organizations.

4.4 Enhancing the role of regional organizations

Enhancing the capacity of regional organizations links the interests of many states across the North-South divide. African states, for example, have been proactive in developing regional organization capacity, as evidenced by the interventions taken by the Economic Community of West African States and the African Union's establish of a council on peace and security. Indeed, the efforts in Africa have proceeded ahead of developments in the Euro-Atlantic organizations. In the South Pacific, the Pacific Islands Forum has taken steps to enhance cooperation in the wake of effective ad hoc efforts. In each of these contexts, the UN's coordinating and oversight role has come to be appreciated.

- Subsidiarity is a concept that can be applied globally. Regional organizations embody regional norms. As such, they can play a role in interpreting and coordinating implementation of global conventions, which, by political necessity, must be abstractly defined. This suggests the need to enhance Chapter VIII interpretation and implementation. Such efforts could institutionalize UN-centered financing arrangements for regional organizations.

- There is some concern over whether the enhancement of regional organizations will diminish the resource distribution from wealthier to poorer states that a global system offers (i.e. it shrinks the pie of global resources that are being redistributed). But a number of other factors challenge this view. For one thing, regional organizations provide a locus for absorption of resources. Secondly, as the recent financial arrangement established between the European Union and the African Union suggests inter-regional organization support and coordination holds promise.

5 2005

Although outside the mandate of the Panel, participants also discussed how to proceed once the Panel report and the Conclusions and Recommendations of the Secretary General have been presented. The current time frame indicates that the complete package (Panel plus SG) can be expected by mid-December at the earliest. There can be no doubt that both documents will confront member states with urgent and pertinent questions and proposals on the future viability of the multilateral system.

It seems therefore highly appropriate to reflect early on how to structure the debate and the eventual taking of decisions. Given the possible range and depth of the Panel report and the Conclusions and Recommendations of the Secretary General, capitals should be fully involved right from the start. Time limits will be very tight if member states aspire to conclude in 2005.

Deliberations on the Panels work in 2005 will coincide with the High Level Meeting to review the Millennium Declaration and to evaluate progress toward the Millennium Development Goals. It is conceivable that the extent of actions member states might want to undertake as a response to the Secretary General Conclusions and Recommendations merits a High Level Meeting in New York as well, probably at the same level as the Millennium Declaration review summit. Careful direction is therefore needed, since otherwise the important stock taking on the Millennium Development Goals risks being under-exposed. On the other hand if the outcome of the Panel would be a successful bridging of the security agenda and the development agenda, a merger of the two events could be considered; the scope of the Millennium Declaration covers the work of the Panel. Two High Level Meetings on the level of the Millennium Summit is possible in principle, but the readiness of Heads of State and Heads of Governments to participate at both meetings should be assessed. If the response is negative, distinct "higher level" (ministers) and "highest level" (heads of state and heads of government) events could then be considered.

New York, April 14, 2004.

Annex 1: List of participants

1. **H.E. Mr. Ahmed Aboul-Gheit**
   Permanent Mission of the Arab Republic of Egypt to the United Nations

2. **H.E. Mr. Joel W. Adechi**
   Permanent Mission of the Republic of Benin to the United Nations

3. **H.E. Mr. Munir Akram**
   Permanent Mission of Pakistan to the United Nations

4. **H.E. Mr. Abdallah Baali**
   Permanent Mission of Algeria to the United Nations

5. **H.E. Ms. Judith Mbula Bahemuka**
   Permanent Mission of Kenya to the United Nations

6. **H.E. Mr. Dirk Jan van den Berg**
   Permanent Mission of the Netherlands to the United Nations

7. **H.E. Mr. Enrique Berruga**
   Permanent Mission of Mexico to the United Nations

8. **H.E. Dr. Iftekhar Ahmed Chowdhury**
   Permanent Mission of Bangladesh to the United Nations

9. **H.E. Mr. James B. Cunningham**
   Permanent Mission of the United States to the United Nations

10. **H.E. Mr. John Dauth**
    Permanent Mission of Australia to the United Nations

11. **H.E. Mr. Nana Effah-Apenteng**
    Permanent Mission of Ghana to the United Nations

12. **Mr. Sebastian von Einsiedel**
    International Peace Academy

13. **H.E. Ms. Louise Frechette**
    United Nations Secretariat

14. **H.E. Mr. Luis Gallegos Chiriboga**
    Permanent Mission of Ecuador to the United Nations

15. **H.E. Mr. Ismael Abrao Gaspar Martins**
    Permanent Mission of the Republic of Angola to the United Nations

16. **Mr. Lex Gerts**
    Permanent Mission of the Netherlands to the United Nations

17. **Mr. Arjan Hamburger**
Permanent Mission of the Netherlands to the United Nations

18. **Lord David Hannay**
High-level Panel on Threats, Challenges and Change

19. **H.E. Mr. Koichi Haraguchi**
Permanent Mission of Japan to the United Nations

20. **H.E. Mr. Jean-Marc Hoscheit**
Permanent Mission of Luxembourg to the United Nations

21. **Dr. Bruce Jones**
Center on International Cooperation, NYU;
Research Staff of the High-level Panel on Threats, Challenges and Change

22. **H.E. Sir Emyr Jones Parry, KCMG**
Permanent Mission of the United Kingdom to the United Nations

23. **H.E. Mr. Roman Kirn**
Permanent Mission of Slovenia to the United Nations

24. **H.E. Mr. Hynek Kmonicek**
Permanent Mission of the Czech Republic to the United Ntaions

25. **H.E. Mr. Dumisani Shadrack Kumalo**
Permanent Mission of the Republic of South Africa to the United Nations

26. **H.E. Mrs. Laxanachantorn Laohaphan**
Permanent Mission of Thailand to the United Nations

27. **Mr. Bengt van Loosdrecht**
Permanent Mission of the Netherlands to the United Nations

28. **H.E. Ms. Margrethe Ellen Løj**
Permanent Mission of Denmark to the United Nations

29. **H.E. Mr. Johan Løvald**
Permanent Mission of Norway to the United Nations

30. **H.E. Mr. Don MacKay**
Permanent Mission of New Zealand to the United Nations

31. **H.E. Mr. Kishore Mahbubani**
Permanent Mission of the Republic of Singapore to the United Nations

32. **H.E. Mr. César Mayoral**
Permanent Mission of Argentina to the United Nations

33. **David M. Malone**
International Peace Academy

34. **H.E. Mr. Vijay K. Nambiar**
Permanent Mission of India to the United Nations

35. **Lt. Gen. Satish Nambiar**
High-level Panel on Threats, Challenges and Change

36. **Mr. Ndekhedehe Effiong Ndekhedehe**
Permanent Mission of Nigeria to the United Nations

37. **H.E. Mr. Gunter Pleuger**
Permanent Mission of Germany to the United Nations

38. **H.E. Mr. Datuk Rastam Mohd Isa**
Permanent Mission of Malaysia to the United Nations

39. **H.E. Mr. Allan Rock**
Permanent Mission of Canada to the United Nations

40. **Mr. Jeroen Roodenburg**
Permanent Mission of the Netherlands to the United Nations

41. **H.E. Mr. Gert Rosenthal**
Permanent Mission of Guatemala to the United Nations

42. **H.E. Mr. Richard Ryan**
Permanent Mission of Ireland to the United Nations

43. **H.E. Mr. Jean-Marc de la Sablière**
Permanent Mission of France to the United Nations

44. **Mr. Cyrus Samii**
International Peace Academy

45. **Dr. Kirsti Samuels**
International Peace Academy

46. **H.E. Mr. Ronaldo Sardenberg**
Permanent Mission of Brazil to the United Nations

47. **H.E. Mr. Marcello Spatafora**
Permanent Mission of Italy to the United Nations

48. **H.E. Mr. Jenö C.A. Staehelin**
Permanent Mission of Switzerland to the United Nations

49. **H.E. Mr. Bruno Stagno Ugarte**
Permanent Mission of Costa Rica to the United Nations

50. **H.E. Mr. Janusz Stanczyk**
Permanent Mission of Poland to the United Nations

51. **Dr. Steve Stedman**
High-level Panel on Threats, Challenges and Change

52. **Dr. Necla Tschirgi**
International Peace Academy

53. **H.E. Mr. Wang Guangya**
Permanent Mission of China to the United Nations

54. **H.E. Dr. Mohammad Javad Zarif**
Permanent Mission of the Islamic Republic of Iran to the United Nations

Annex 2: Annotated agenda

A Fork in the Road?

- Addressing the threats and challenges of the 21st Century –

In his speech to the General Assembly on 23 September 2003, Secretary-General Annan announced the establishment of a panel of eminent persons to address current global threats and challenges, and to examine multilateral approaches and solutions to address them. The Greentree-retreats aim at providing a forum for informal, open discussion among Permanent Representatives on the work of the panel, as well as for interaction with some members of the Panel.

I. Global Threats and Challenges

In response to recent security risks, posed by terrorism, proliferation of WMD, failed states or a dangerous combination of those, the Secretary-General has called for a fundamental discussion to address the world's threats and challenges. The Secretary-General recognized diversity of threats and the perception of their nature. While some consider terrorism, proliferation of WMD, and failing states as the most serious threats of our day, others are more concerned about enduring poverty, disparity of income, the spread of infectious diseases or environmental degradation and climate change. This diversity of perception could be an impediment to making real progress, and to making the changes and reforms that may be required.

Key questions:

- **What are the threats the panel should look at?**
- **Is there a link between threats and do threats affect each other?**
- **Is it possible to reach a common understanding on "threats" and a common vision to address them?**

II. The International Order and State Sovereignty

In 1945, the drafters of the UN Charter re-affirmed the sovereignty of states as the corner stone of the international order. The Charter prohibits infringement or intervention by states in domestic affairs of another state. However, three developments have challenged the notion of absolute state sovereignty. First of all, the 1990's showed an increase in the will to address the humanitarian plight of people within states - thereby bringing "we, the peoples" more to the forefront. Second, more recently, there is rising concern that some regimes are seeking to obtain WMD outside the multilateral, legal framework. Finally, non-state actors operating from different corners in the world increasingly play a role in undermining global security through terrorist acts, attempts to obtain and disseminate WMD, and other criminal activities. Some propose that unconditional respect for a state's sovereignty in such situations should be put in perspective.

A discussion has arisen not only on the possibility of intervention, but also on its nature (military or non-military) and its timing. Some argue that the international community has a "responsibility to protect" and a duty to intervene at an early stage to avoid humanitarian disaster. With regard to the risk of an attack involving weapons of mass destruction, it is also argued that some form of early, pre-emptive action may be warranted. However, although the Charter does explicitly recognize the inherent right to self-defense against an occurring armed attack, it does not mention actions of self-defense against a foreseen attack.

Key questions:

- **How has the concept of state sovereignty evolved over the past decade?**
- **If a state intentionally or unintentionally fails to protect the fundamental human and humanitarian rights of its peoples, does the international community have a responsibility to protect those rights and even a duty to intervene?**
- **Should there be a right of pre-emptive strike or anticipatory self-defense and, if so, under what conditions?**

III. Multilateral Responses and Institutions

Varying perceptions of threats and challenges exist within multilateral arrangements and institutions, which are constituted by member states. As a result, collective responses to challenges do not always meet the expectations of all members. The main question is how to maximize the effect and legitimacy of collective responses, while recognizing different national interests and unequal distribution of power. Building on the conceptual analysis of threats, consideration should be given to current institutional arrangements. This includes the mandates of the main multilateral institutions and instruments, most notably within the UN, the effectiveness and legitimacy of these bodies, and the level of co-operation among them.

Key questions:

- **To what extent do today's threats and challenges call for institutional reforms? Are the main UN-bodies (Security Council General Assembly, ECOSOC and Trusteeship Council) and the Secretary-General and his Secretariat sufficiently equipped in terms of mandates, manpower and money to deal with these threats?**
- **Does the Security Council live up to its envisioned role as stipulated in the Charter? Should it continue to incrementally broaden its scope, creating new institutions such as International Criminal Tribunals and creating, de facto, universally binding international law (as has been the result with Resolution 1373)? Should the Council increase its co-operation with regional (security) organizations?**
- **Many international agreements have been concluded (most recently the Millennium Development Goals, Johannesburg, Monterrey) in the social-economic area. Could the panel foster political will for the full implementation of these agreements, and would implementation contribute to countering threats?**

IV. The Road Ahead

The community of Permanent Representatives to the UN is well positioned to discuss ways forward from promise to practice. Common understanding of the concepts and reforms is not enough. It is essential that the panel will offer recommendations to reach tangible results, and point at instruments that can best translate policy principles in action.

Key questions:

- **Can a 2005 UNGA summit of heads of state and government be instrumental to ensure an adequate response of the international community to the global threats, challenges and required institutional changes?**

- **Could conclusions of the panel on countering threats result in amendments to the Charter or do other ways exist to address these issues?**
- **Is there a logical sequencing of the recommended changes over time?**